

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

RAMOS DIAZ ENTERPRISES, INC., dba  
Guayabitos Restaurant, et al.,

Defendants.

No. 1:22-cv-01397-ADA-SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DECLINING  
SUPPLEMENTAL JURISDICTION OVER  
STATE LAW CLAIMS

(ECF No. 14)

Plaintiff Darren Gilbert (“Plaintiff”) initiated this action on October 28, 2022, asserting a claim for injunctive relief arising out of an alleged violation of the federal Americans with Disabilities Act (“ADA”) and a claim for damages pursuant to California’s Unruh Act. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Following an order to show cause, (ECF No. 12), on June 20, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that the Court decline to exercise supplemental jurisdiction over Plaintiff’s state law claims and that those claims be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(4). (ECF No. 14.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 7.) No objections have been filed, and the time

///

in which to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on June 20, 2023, (ECF No. 14), are ADOPTED in FULL;
2. Pursuant to 28 U.S.C. § 1367(c)(4) and *Vo v. Choi*, 49 F.4th 1167 (9th Cir. 2022), the Court DECLINES to exercise supplemental jurisdiction over Plaintiff's Unruh Act claim and Plaintiff's Cal. Health & Safety Code §§ 19955 and 19959 claims;
3. Plaintiff's Unruh Act and Cal. Health & Safety Code §§ 19955 and 19959 claims are DISMISSED, without prejudice, pursuant to 28 U.S.C. § 1367(c)(4); and
4. This matter is referred back to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: July 20, 2023

  
UNITED STATES DISTRICT JUDGE